

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARUS HUNTER, *et al.*,

*Plaintiffs,*

V.

CITY OF PHILADELPHIA, *et al.*,

*Defendants.*

CIVIL ACTION NO. 17-0889

Honorable Paul S. Diamond

## **PLAINTIFFS' RESPONSE TO DEFENDANTS' STATEMENT OF UNDISPUTED FACTS**

1. Undisputed.<sup>1</sup>
2. Undisputed.
3. Disputed. Mr. Hunter's sixteen-year-old son, Darus Hunter Jr., who  
suffers from autism and is largely non-verbal, opened the door to Officers Schutte  
and Savello. CSMF ¶¶ 5-7.

<sup>1</sup> All responses of “Undisputed” are undisputed only for purposes of Plaintiffs’ Counterstatement of Material Facts in Response to Defendants’ Statement of Undisputed Facts and Defendants’ Motion for Summary Judgment. A response of “Undisputed” is by no means a waiver by Plaintiffs to any objection regarding the relevance, accuracy, authenticity, or truthfulness of the facts asserted at trial in this case.

4. Disputed. Plaintiffs add that Officers Schutte and Navedo entered Plaintiffs' home without their consent after Darus Hunter Jr. opened the door. Inside, the Officers shined flashlights into the faces of Syriana Hunter and Khadira Muhhamad—Mr. Hunter's two daughters—who were sleeping on cots in the front of the house. *Id.* ¶¶ 5, 8.

5. Undisputed.

6. Undisputed.

7. Undisputed.

8. Undisputed.

9. Disputed. Ms. Shujaa did not remain on the phone throughout the duration of Officer Schutte's and Navedo's second visit. When Officers Schutte and Navedo were knocking at the door, Ms. Shujaa told them that she had 911 on the phone. D040. She then hung up with the 911 operator before she opened the door to speak with the Officers. *Id.* ¶¶ 25-26, 28.

10. Disputed. Plaintiffs add that when Ms. Shujaa opened the door in response to the Officers' continued demands and knocking, Officer Schutte forced the door open into her abdomen, while placing his foot in the doorway and his hand on the door knob. The force from the door caused Ms. Shujaa to stumble backwards and hit her back on a radiator located behind her. *Id.* ¶ 29. Ms. Shujaa was approximately four and a half months pregnant at the time. *Id.* ¶ 37.

11. Undisputed.

12. Disputed. Ms. Shujaa clarifies that she only smoked marijuana “occasionally” while pregnant. Ex. B, Shujaa Dep. 27:9-28:6.

13. Disputed. Ms. Shujaa discussed the incident and resulting trauma with Dr. Van Uitert. *Id.* at 108:19-109:9.

14. Disputed. Plaintiffs clarify that Mr. Hunter filed a Citizen’s Complaint against Officers Navedo and Schutte and Sergeant Melvin on September 21, **2015**.

15. Undisputed.

16. Undisputed.

Dated: January 22, 2019

Respectfully submitted,

/s/ Michaela D. Young

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